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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/692,849 | 10/27/2003 | Katsuya Ogawa | Q77796 | 9276 |
| 23373 | 7590 | 02/10/2005 | EXAMINER | |
| SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037 | | | CAPUTO, LISA M | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2876 | |

DATE MAILED: 02/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|---------------------------------------|--|
| Office Action Summary | Application No. 10/692,849 | Applicant(s) OGAWA, KATSUYA | |
| | Examiner Lisa M Caputo | Art Unit 2876 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Amendment

1. Receipt is acknowledged of the amendment filed 10 November 2004.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 6-8, and 11-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Cadotte et al. (U.S. Patent No. 4,345,315, from hereinafter "Cadotte").

Cadotte teaches a customer satisfaction terminal. Cadotte discloses that the method includes providing a tally counter for each key on the keyboard and thereby each response, and incrementing each tally counter corresponding to the operated keys on the keyboard. The method may further comprehend a step of automatically discriminating between a valid and an invalid use of the terminal and storing the response data signals only for a valid use of the terminal. The method of collecting customer satisfaction data may also include the steps of transmitting the collected data signals to a remote location for detailed data processing (see col 2, line 65 to col 3 line 45; col 10). Hence, regarding claims 1, 6, and 11, Cadotte teaches a keystroke trapping system, method, and program that comprises a first means for adding 1 to a limit counter of a depressed function key corresponding to a function number, and a second means for comparing the value of the limit counter of the function key corresponding to

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the function number with a corresponding limit count when it is taught that a tally counter is incremented with each keystroke response and that the key hits counter is studied to determine whether or not the number of keys that have been operated are above or below a pre-selected minimum number of key operations (see Figure 18A, col 33 line 23 to col 34 line 7). Further regarding claims 2-3, 7-8, and 12-13, Cadotte teaches the reading out of functions numbers from stored data, collating them with the function limit master stored in the memory unit and when they coincide adding a 1 to the limit counter, comparing the value of the limit counter of the key corresponding to the function number with the corresponding limit count in the depressing limit master, sending information to a host computer or a display, and resetting the limit counter (see col 3, lines 3-7, col 33 line 23 to col 34 line 7).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 4-5, 9-10, and 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cadotte in view of Tanaka (U.S. Patent No. 4,935,608). The teachings of Cadotte have been discussed above.

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Regarding claims 4-5, 9-10, and 14-15, although Cadotte does teach certain pertinent keys such as the Clear Key (see Figures 1-2, col 6, lines 20-40), Cadotte fails to specifically teach the Cancel key, Void key, No Sale key, and Transaction Void key.

Tanaka teaches a card authorization terminal. Tanaka discloses a key arrangement in Figure 3 including ten-keys 12, a set key 113, and a clear key 114 (see Figure 3, col 3, lines 25-35). It is well known in the art that keys such as Void, Cancel, Transaction Void, and No Sale are art recognized equivalents to clear and set keys.

In view of the teaching of Tanaka, it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ function numbers for such keys as Cancel, Clear, Void, Transaction Void, and No Sale because these keys are conventional and are well known in the art to be components of a cash register keyboard system. These keys are helpful in efficient transactions and thus are favorably included in the system.

Response to Arguments

4. Applicant's arguments with respect to claims 1-15 have been considered but are moot in view of the new ground(s) of rejection.

Examiner appreciates applicant's argument that the combination of Fuyama and Mochida does not teach the limitations of the claims and has provided new prior art in the form of Cadotte.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Lisa M. Caputo** whose telephone number is **(571) 272-2388**. The examiner can normally be reached between the hours of 8:30AM to 5:00PM Monday through Friday. If attempts to reach the examiner by telephone are

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unsuccessful, the examiner's supervisor, Michael G. Lee can be reached at (571) 272-2398. The fax phone number for this Group is (703) 872-9306.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [lisa.caputo@uspto.gov].


All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

me

LMC

February 3, 2005


DIANE I. LEE
PRIMARY EXAMINER